

REMARKS

This application was examined with claims 1 through 37. Claims 1, 2, 15, 16, 28 and 29 are finally rejected. Claims 3 through 14, 17 through 27 and 30 through 37 are objected to and indicated to be allowable. Claims 1, 3, 15, 17, 28 and 30 are amended. Claims 1 through 37 remain in the application.

Applicants request reconsideration and reexamination of the above-identified application in view of the amendments made to the claims. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action by subject matter.

Examiner's Action -- Claims Rejections - 35 USC §102

The Examiner rejects claims 28 and 29 under 35 U.S.C. §102(b) as being anticipated by U.S. 2003/0070979 to Huang. Specifically the Examiner argues that Huang discloses a cylindrical body, a piston with one-way valves and an operator.

Applicants respectfully traverse this rejection in view of the amendments made to claim 28.

As now defined in claim 28, a piston is characterized by first and second rigid disks and an intermediate flexible disk including a one-way valve therethrough. There is no such structure in Huang. Specifically, Huang discloses an isolating layer 16 and a filter layer 14, but no intermediate flexible disk. The valve structure in Huang resides in the isolating layer 16, not in an intermediate flexible disk.

Examiner's Action -- Claims Rejections - 35 USC §103

The Examiner rejects claims 1, 2 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,453,189 to Joergensen in view of Huang. Specifically the Examiner argues that Joergensen discloses (1) a container in the form of a tea pot with an open top for receiving a quantity of hot liquid, (2) an infuser with an infusing chamber having a solid wall portion and a perforated wall portion, (3) a plunger assembly with a piston spanning the infusing chamber and (4) an operator. Huang is cited for the disclosure of plural one-way valves.

Applicants respectfully traverse this rejection in view of the amendments made to claims 1 and 15.

Joergensen and Huang disclose different devices for separating an infusible material from a brewed beverage. Consequently, Applicants there is nothing in either Joergensen or Huang, taken as a whole, to suggest to a person of ordinary skill in the art that the plunger in one should be substituted from the plunger in the other.

In addition, each of claims 1 and 15 define the piston as including first and second rigid disks with an intermediate flexible disk having a one-way valve therethrough. Nothing in either reference discloses or suggests that structure.

Examiner's Action - Allowable Subject Matter

The Examiner indicates that claims 3 through 14, 17 through 27 and 30 through 37 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 1, 15 and 28 to incorporate portions of the piston structure of claims 3, 17 and 30, respectively. Specifically, each of claims 1, 15 and 28 define the structure including the rigid and flexible disks. Claims 3, 17 and 30 remain in the application to define the sealing function of the piston.

Summary

Applicants respectfully submit that with the changes submitted by this amendment each of the independent claims 1, 15 and 28 and each of the depending claims 2 through 14, 16 through 27 and 29 through 37 now define patentable subject matter. Consequently, Applicants respectfully request that this amendment be entered because it places the application in condition for allowance or in better condition for appeal.

If there are any questions, we urge the Examiner to call us collect.

Respectfully Submitted,

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